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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/074,939	02/13/2002	Noriyuki Kawaguchi	FUSA 19, 444	8889
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Rosenman & Colin LLP 575 Madison Avenue New York, NY 10022-2585			EXAMINER	
			KIM, KEVIN	
			ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

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Application No. Application No. Application No. Application No. Advanced						
Examiner Keylin Strim Keylin Str		Application No.	Applicant(s)			
Revin Y Nim 2934	. Office Antien Commons	10/074,939	KAWAGUCHI ET AL.			
The MALLING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE g MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. Extensives or time may be available under the provision of 3 CFR 1.13(a). In ocerent, however, may a reply be timely filed # the period for reply securities above. The maximum of 3 CFR 1.13(a). In ocerent, however, may a reply be timely filed # this period for reply securities above. The maximum of 3 CFR 1.13(a). In ocerent, however, may a reply be timely filed # this period for reply securities above. The maximum catations period will approx and will seglins (5) (MONTH'S form he malling date of this communication. # Fallens to reply within the set or extended period for reply will, by salidation period will apply and will seglins (5) (MONTH'S form he malling date of this communication. # Fallens to reply within the set or extended period for reply will be set on the malling date of the communication. # Fallens to reply within the set or extended period for reply will be set on the malling date of this communication. # Fallens to reply within the set or extended period for reply will be set on the malling date of this communication. # Fallens to reply within the set or extended period for reply will be set on the malling date of this communication. # Fallens to reply within the set or extended period for reply will be set or extended period. # Fallens to reply within the set or extended period for reply will be set or extended period. # Fallens to reply within the set or extended period or period to reply within the set or extended period or the set of the set	. Office Action Summary	Examiner	Art Unit			
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MALLING DATE OF THIS COMMUNICATION. Estensions of time may be available under the provisions of 31 CFR 1.13(a), in ne event, however, may a rapity be limely filled Estensions of time may be available under the provisions of 31 CFR 1.13(a), in ne event, however, may a rapity be limely filled Estensions of time may be available under the provisions of 31 CFR 1.13(a), in ne event, however, may a rapity be limely filled Estensions of time may be available under the provisions of 31 CFR 1.13(a), in ne event, however, may a rapity be limely filled Estensions of time may be available under the provisions of 31 CFR 1.13(a), in ne event, however, may a rapity be limely filled If the provision of the provision of the provision of the second of the communication of the communication of the second of the communication, which is a communication of the second of the communication						
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2a) This action is FINAL. 2b) This action is non-final. 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-18 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) are subject to the extriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on 13 February 2002 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) The proposed drawing correction filed on is: a) opproved b) disapproved by the Examiner. If approved, corrected drawings are required in reply to this Office action. 12) The oath or declaration is objected to by the Examiner. Priority under 35 U.S.C. §§ 119 and 120 13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received. 14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121. Attachment(s)	 THE MAILING DATE OF THIS COMMUNICATION. Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). 					
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DETAILED ACTION

Drawings

1. Figures 29-33 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Information Disclosure Statement

2. The information disclosure statement filed on March 14, 2002 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent listed that is not in the English language. It has been placed in the application file, but the information referred to therein, except for the US patent, has not been considered.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.
- 4. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Okanoue et al (USP 5,701,333).



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Consider claim 1. Referring to Figs. 6 and 7, Okanoue et al disclose a diversity receiver, that could be used as a CDMM receiver, comprising a weighting unit (87-1 ~ 87-N*K) for each of multiple signal paths (77-1 ~ 77-N*K) wherein, if "a prescribed signal component" (the output signal from Subtracting CKT) is below a threshold, the weighting unit applies weighting to the output (see col.9, ll. 9-14), a combiner (79-1 ~ 79-M+1) and a data discriminating unit (82) for determining data based on the output of the combiner. The data discriminating unit of Okanoue is not shown in detail but is inherent in a data receiver.

Consider claim 2. Col.9, 11.6-9 teaches that if the output of the comparator, which reads on the claimed "prescribed signal component," is greater than the threshold, 1 is supplied as the weighting factor.

Allowable Subject Matter

- 5. Claims 3-16 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
- 6. The following is a statement of reasons for the indication of allowable subject matter: No prior art has been found to disclose a CDMA receiver where weighting is applied to each of multipath when the **received signal power** on the respective path is **below** a prescribed level.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Sakoda et al (US Patent No. 6,021,125) and Okanoue et al (US Patent No. 5,444,721)





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each teach the application of weighting to each signal path when the **received signal power** on the respective path is **over** a prescribed threshold. See col.15, ll.37-44 and col.7, ll.1-11, respectively.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Y Kim whose telephone number is 703-305-4082. The examiner can normally be reached on 8AM --5PM M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Chin can be reached on 703-305-4714. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

kvk

November 1, 2002

STEPHEN CHIN

SUPERVISORY PATENT EXAMINED TECHNOLOGY CENTER 2600